



Order Filed on February 6, 2023
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

Bradford J. Sandler, Esq.
Paul J. Labov, Esq.
Beth E. Levine, Esq.
PACHULSKI STANG ZIEHL & JONES LLP
780 Third Avenue, 34th Floor
New York, NY 10017
Telephone: (212) 561-7700
Facsimile: (212) 561-7777
bsandler@pszjlaw.com
plabov@pszjlaw.com
blevine@pszjlaw.com

James S. Carr, Esq.
Dana P. Kane, Esq.
Sean T. Wilson, Esq.
KELLEY DRYE & WARREN LLP
One Jefferson Road, Second Floor
Parsippany, NJ 07054
Telephone: (973) 503-5900
Facsimile: (973) 503-5950
jcarr@kelleydrye.com
dkane@kelleydrye.com
swilson@kelleydrye.com

Counsel to the Liquidation Trustee

In re:
RTW RETAILWINDS, INC.,¹
Debtor.

META Advisors LLC, in its capacity as Liquidation Trustee
of the RTW Liquidation Trust,

Plaintiff,

v.

LINK FASHION NEW YORK INC.,

Defendant.

Case No.: 20-18445 (JKS)

Chapter 11

Adv. Proc. No. 22-01171 (JKS)

Judge: Hon. John K. Sherwood

MEDIATION ORDER

The relief set forth on the following page is **ORDERED**.

DATED: February 6, 2023



Honorable John K. Sherwood
United States Bankruptcy Court

¹ The remaining Debtor in this chapter 11 case and the last four digits of the Debtor's federal tax identification number is RTW Retailwinds, Inc. (1445). By order and final decree entered February 22, 2021, the chapter 11 cases of the Debtor's affiliates were closed [Docket No. 844].

Page: 1
Debtor: RTW Retailwinds, Inc.
Case No.: 20-18445 (JKS)
Adv. Pro.: 22-01171 (JKS)
Caption: *Mediation Order*

It having been determined that mediation may produce a mutually agreeable resolution of all or some of the issues between the parties, and the parties having

☒ agreed on the selection of a mediator [add the name and address of the mediator below],

☐ been unable to agree on the selection of a mediator, ask the court to appoint one [court will add the name and address of a mediator],

it is ORDERED, that

the parties will make a good faith attempt to settle this action through mediation and will attend, personally or through a representative with authority to negotiate and settle the disputes, all sessions scheduled by the mediator;

Jay L. Lubetkin, Esq. is appointed to serve as mediator in this matter.

The mediator's address is Rabinowitz, Lubetkin & Tully, L.L.C, 293 Eisenhower Parkway, Suite 100, Livingston, NJ 07039.

It is further ORDERED, that

D.N.J. LBR 9019-1 and 9019-2, as well as the following terms and guidelines will govern the mediation process between the parties:

1. Plaintiff must immediately serve the designated mediator with a copy of the *Mediation Order*.
2. Promptly after receiving the *Mediation Order*, the mediator must determine whether there is a basis for disqualification or whether the mediator is unable to serve for any other reason.
3. Upon entry of this Order, the parties must promptly contact the mediator to schedule the organizational telephone conference required by D.N.J. LBR 9019-2(d).
4. The scheduling and location of all mediation sessions will be determined by the mediator; however, the mediation must commence not later than 60 days after the entry of this order, unless extended by further court order.
5. The parties will compensate the mediator at the rate of \$525. Each party is responsible for one-half of the mediator's fee. The fee is due not later than 30 days after presentation of the mediator's invoice. Either the mediator or a party to the mediation may bring a motion to enforce the parties' payment obligations under this Order.
6. The mediator has the right to terminate this mediation at any time, for any reason, by providing written notice to counsel for all parties.
7. Not later than 7 days after the conclusion of the mediation, the mediator must file Local Form, *Mediation Report*.